

Application No. 09/586,722
Attorney Docket Number 350725-991110 (2101197)

REMARKS/ARGUMENTS

The Applicants thank the Examiner for the telephone interview of May 3, 2006 and her efforts in moving this case forward. During the last telephone interview, Applicants discussed the outstanding §103 rejections involving the combination of U.S. Patent No. 6,321,205 of Eder ("Eder") and U.S. Patent No. 5,446,903 of Abraham et al. ("Abraham"). Particularly, Applicants noted that Abraham does not disclose a system or method a user is authorized to alter one or more assumed variables based on a level of authorization of the user *and a level of the hierarchy in which the assumed variables are positioned* in the claimed data structure. Rather, Abraham bases allowing access to data elements based on a step that is currently active in an industrial process. (See e.g., Abraham, Abstract; col. 3, lines 9-10.) This response discusses these and other issues.

§103 Rejections

The Examiner rejected claims all pending claims as unpatentable in view of Eder and Abraham. Applicants respectfully assert that the proposed combination does not teach all elements of the claimed inventions for the following reasons.

Claims 1-5, 8, 9, 11, 14-18, 21 and 22

Claims 1-5, 8, 9, 11, 14-18, 21 and 22 each include limitations relating to a system or method for analyzing a business enterprise's performance in creating value, which implements a data structure including hierarchy of assumed variables, where a user can alter an assumed variable based on a level of authorization of the user and the level of the assumed

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variable.¹ The Examiner concedes that Eder does not disclose a model that allows different levels of users to alter different levels of assumed variables. To meet this limitation, the Examiner cited Abraham.

Applicants respectfully assert that the claims are patentable over the proposed combination because Abraham does not disclose the ability to alter "assumed variables" based the level of a user *and a level of the assumed variables in a hierarchy* of a data structure, where variables at lower levels affect variables at higher levels. Because Abraham and Eder fail to disclose this limitation, the proposed combination cannot satisfy all limitations of any of claims 1-5, 8, 9, 11, 14-18, 21 and 22.

In the claimed inventions, "assumed variables" are organized in a data structure or model that permits a user to generate the outcomes of a value stream of a business enterprise. The assumed variables are arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy. The "data elements" disclosed by Abraham are not "assumed variables" arranged in the claimed manner. There is no disclosure in Abraham that data elements in one level affect variables at a higher level. More particularly, these data

¹ See, for example, the following limitations ("authorizing a user to alter one or more of the assumed variables based on a level of authorization of the user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables" – Independent claim 1; "authorizing a plurality of users to alter one or more of the assumed variables based on a level of authorization of each user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables" – Independent claim 5; "means for authorizing a user to alter one or more of the assumed variables based on a level of authorization of the user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables" – Independent claim 14; "authorizing a plurality of users to alter selected ones of the events and selected ones of the assumed variables based on a level of authorization of each user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization provide access to different levels of assumed variables" – Independent claim 18

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elements are not arranged at different levels of a hierarchy, where objects at one level of the hierarchy influence objects at higher levels of the hierarchy.

In Abraham, a security level and security category is assigned to each data element in the system. Each user is associated with one or more security groups. Each security group is given access to one or more combinations of security level authority, and access to a particular security category. So far, this describes the normal way that user privileges work in a typical database system. There is no discussion of a hierarchical relationship between data elements, where data elements in one (e.g., lower) security group influence data elements in a different (e.g., higher) security group.

What makes Abraham distinct is its linkage to industrial process steps. The security levels and categories are linked to industrial process steps. While the process is in Step 1, for instance, one set of security levels and categories are applied. When the process moves to Step 2, another set of security levels and categories are applied. Thus, a user with "write" access to certain data elements while the process was in Step 1 would not necessarily have "write" access to the same data elements when the process enters Step 2 in the industrial process. As explained by Abraham, "Users may have access to data elements at some steps in an industrial process, but will be denied access to these data elements at other steps in the industrial process." (Abraham at col. 3, lines 17-20.)

Thus, the authorization of users to access certain data elements in Abraham is not based on a position of the data elements at a level in the claimed hierarchical data structure. Instead, Abraham focuses on allowing access to data elements "based upon the industrial process step at which the industrial process is currently active." (Abraham at col. 3, lines 9-10)(emphasis added).

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For these reasons, even if the proposed combination could be made and motivation to combine existed,² it would not teach the limitations related to authorizing users to alter assumed variables in a model by reference to the level of authorization of the user combined with the level of the hierarchy in which the assumed variables are positioned, where variables at lower levels influence variables at higher levels. For these reasons, the proposed combination cannot render obvious any of claims 1-5, 8, 9, 11, 14-18, 21 and 22. Applicants respectfully request that these claims be allowed.

Claims 10, 12 and 13

Similar to the other independent claims, independent claim 10 includes a limitation regarding the authorization of different levels of users to interact with the data structure. Particularly, claim 10 includes a limitation of selectively authorizing a plurality of users to provide real-time feedback on the value creation performance of the business enterprise based on a level of authorization of each user, wherein only certain levels of authorization are permitted to provide real-time feedback. The real-time feedback is stored in a data structure and is used along with the assumed variables to determine an outcome for the value stream of the business enterprise. Abraham does not disclose the limitation of authorizing certain levels of users to enter real-time feedback into a data structure that is used to determine an outcome for the value stream of a business enterprise. Nowhere in Abraham is there any mention of real-time feedback, or any mention of a model for analyzing a business enterprise's capability in creating value.

The data elements in Abraham are not arranged in a data structure used to determine outcomes of a value stream of a business enterprise. Therefore, accessing these documents

² Applicants do not concede either of these points, but will not discuss these at this time for the sake of brevity.

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based on an authorization level is not equivalent to entering real-time feedback into a business analysis model based on an authorization level.

For these reasons, even if the proposed combination were made, it would not teach the limitations related to authorizing users to enter “real-time feedback” in a data structure by reference to the level of authorization of the user. For these reasons, the proposed combination cannot render obvious any of claims 10, 12 or 13. Applicants respectfully request that these claims also be allowed.

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CONCLUSIONS

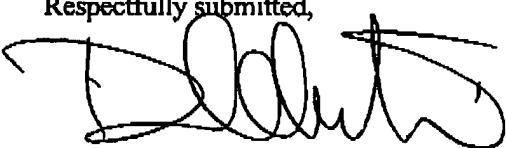
Applicants' invention is both novel and nonobvious over Eder and Abraham for all of the various reasons set forth above and for the reasons discussed in prior office action responses and amendments. Eder and Abraham do not teach each and every element of any of Applicants' claimed inventions.

For all of these reasons, Applicants respectfully assert that all of claims 1-5, 8-18, 21 and 22 are in condition for allowance. The Examiner's early reconsideration is respectfully requested. If the Examiner has any questions, the Examiner is invited to contact Applicants' attorney at the following address or telephone number:

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Respectfully submitted,



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